

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on February 24, 2004, in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain
Lynn Drake-Batts
Robert Schultz
Thomas Strat (arrived 9:25 p.m.)
Mark J. Vleck
David T. Waller

Absent:

Lawrence Littman
Walter Storrs
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Allan Motzny, Assistant City Attorney
Amalfi Parker, Student Representative
Kathy Czarnecki, Recording Secretary

Mr. Miller announced that Fazal Khan was appointed to the Planning Commission at the February 23, 2004 City Council meeting and must be sworn into office prior to attending any meetings.

Resolution # PC-2004-02-022

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That Messrs. Littman, Storrs, Strat and Wright be excused from attendance at this meeting

Yes: All present (5)

No: None

Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-02-023

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, To approve the February 10, 2004 Regular Meeting minutes as published.

Yes: Chamberlain, Drake-Batts, Schultz, Waller

No: None

Abstain: Vleck

Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

- Council Action Item – February 23, 2004 Regular Meeting

*Article II (Changes, Amendments and Approvals) Zoning Ordinance Amendments and Repeal of Chapter 40 (ZOTA #203) (Public Hearing) – **Tabled***

Mr. Miller indicated that it was the recommendation of the City Attorney to further review the proposed language.

- Kwan Office Building, Southeast corner of Dequindre and Wattles

Mr. Savidant displayed the approved preliminary, amended preliminary and final site plans for the project and noted the designated dumpster location is currently in the middle of an easement for an underground gas main. A brief discussion followed. The Planning Department will provide status reports on the project.

5. BOARD OF ZONING APPEALS REPORT

There was no report available.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the February 18, 2004 Downtown Development Authority meeting.

- *Update on Civic Center Priority Task Force (CCPTF)*

Mr. Brian Wattles gave a presentation on the CCPTF's findings and recommendations. The same presentation will be given to the Planning Commission at its March 2, 2004 Special/Study Meeting.

- *Request for Proposals for Big Beaver Corridor Study*

7. SUB-COMMITTEE REPORTS

There was a brief discussion. It was the consensus of the Commission that all the sub-committees, except Tree Preservation/Landscaping/Walls, have achieved their objectives.

Chair Waller said that future sub-committees would be established as the needs are identified, and that intent statements would be developed for each sub-committee.

8. SUB-COMMITTEE APPOINTMENTS

Appointments to sub-committees were not necessary. Refer to Agenda item #7.

9. NEW LAND USE LAW LEGISLATION

Mr. Miller reported on signed legislative bills that relate to land use issues. He highlighted and provided copies of the laws related to Joint Planning Commissions and Planned Unit Developments, and noted that the laws focus on Planning Commission responsibilities and duties.

A brief discussion followed.

10. RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000 (RLUIPA)

Mr. Motzny reported on the Meridian Township case wherein the constitutionality of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) is being challenged.

Chair Waller cited religious land use challenges that are cropping up throughout the United States.

Mr. Chamberlain requested that the Legal Department provide the Commission with status reports on the Meridian Township case.

11. SITE PLAN REVIEW (SP 817 B – Tabled Item) – Foot Specialty Clinic, Proposed Medical Office Building, South of Big Beaver, West side of Dequindre, Section 25 – B-1

Mr. Miller reported that the petitioner submitted a written request to table the Foot Specialty Clinic site plan review to the March 2, 2004 Special/Study Meeting. Mr. Miller noted that Mr. Motzny provided a memorandum that relates to the site plan approval process.

Resolution # PC-2004-02-024

Moved by: Chamberlain

Seconded by: Vleck

RESOLVED, That Site Plan Review (SP 817B) for the proposed Foot Specialty Clinic located south of Big Beaver and on the west side of Dequindre, Section 25, B-1 zoning district, be tabled to the March 2, 2004 Special/Study Meeting.

Yes: All present (5)

No: None

Absent: Littman, Storrs, Strat, Wright

MOTION CARRIED

Mr. Chamberlain referenced the concern of the zoning ordinance requirement to provide three trees on the frontage of the proposed project, which was one of the reasons the site plan was tabled at the February 10, 2004 Regular Meeting. Mr. Chamberlain proposed the following revisions to Sections 39.70.02 and 39.80.02 of the zoning ordinance. Mr. Chamberlain said he would like to see the proposed revisions go to a public hearing at the regular April meeting.

Section 39.70.02, 2nd paragraph, to read:

...the minimum number of trees required. For those frontages less than 125 feet, the approving body for the site plan will determine the minimum number of trees.

Section 39.80.02, 2nd paragraph, to read:

Necessary access ways from public rights of way through required landscape strips shall be permitted and such access ways shall be subtracted from the lineal dimension used to determine the minimum number of trees required.

After a brief discussion, it was the consensus of the Commission to move forward with the proposed zoning ordinance revisions and to advertise the Public Hearing at the April 13, 2004 Regular Meeting.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #202) – Article 28.30.02
Outside Storage of Commercial and Recreational Vehicles in Self Storage Facilities

- and -
13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #204) – Article 28.00.00
Outside Storage of Commercial and Recreational Vehicles in Required Off Street
Parking in the M-1 District

Mr. Miller reported that the Planning Department revised the language with respect to ZOTA #202 that in effect reduces the parking requirements and frees up some land area. With respect to screening, Mr. Miller noted proposed language was added to Section 28.30.02 D.2: "The Planning Commission has the authority under Article 03.31.06 to modify the buffering requirements based on the specific characteristics of the proposed use and the abutting uses." Mr. Miller also read Section 03.31.06 that relates to the Special Use Approval and noted that the Planning Commission has the discretion to apply increased standards to insure compatibility.

Mr. Miller reported on the request of City Council to provide 500 parking spaces for storage within the M-1 zoning district. The Planning Department conducted an analysis of existing mini warehouse areas to determine excess parking and unused areas for potential outdoor storage. It was determined that there are presently 124 potential storage spaces (assuming 10' x 20' size). The Planning Department took the analysis one step further and applied the proposed parking reduction. It was determined that there are 408 potential storage spaces with the proposed parking space reduction. Mr. Miller said that the Planning Department is continuing to work on identifying existing outdoor storage areas in the City.

Mr. Miller spoke with respect to the Special Use Approval requirement for outdoor storage in the M-1 zoning district. Mr. Miller said it is necessary for the Commission to review, discuss and determine whether Special Use Approval should or should not be a requirement for outdoor storage in the M-1 zoning district and/or should the zoning ordinance be amended.

Discussion followed relating to the Special Use Approval requirement, screening material, standards for outside storage, negative impact of outdoor storage, City Council's intent of acquiring 500 parking spaces, types of storage, and security provisions.

Ms. Drake-Batts suggested to research private parking structures that provide 24-hour security. It was noted that parking structures might inhibit some vehicle storage because of height limitations.

Mr. Miller asked the Assistant City Attorney to provide the Commission with his interpretation of the added language to Section 28.30.02 D.2 as it relates to providing authority to the Planning Commission to eliminate the wall and/or berm requirement and to apply other requirements for screening. If the legal interpretation is that the Commission would not have the authority to eliminate the wall and/or berm screening requirement, then the Planning Department would

prepare ordinance language to provide an alternative to the landscaping requirement of a wall.

14. ZONING ORDINANCE TEXT AMENDMENT (ZOTA #200) – Article 11.00.00 CR-1 One Family Cluster

Mr. Miller reported that comments from the Commission's earlier discussion were incorporated into the ordinance draft, and noted that the document does not include language that gives the Commission or City Council the authority to require a bond to ensure that all open space improvements are constructed as approved. He stated that the Planning Department is moving forward with that language. Mr. Miller said he would like to insure that the document gets full review by the City Attorney's office.

Mr. Miller referenced Mr. Motzny's memorandum dated February 10, 2004 and noted that the Planning Department did include specific language to Section 37.70.07 (G).

Mr. Motzny opined that a deed restriction or any restricted covenant is sufficient to guarantee the open space. He referred to the last meeting in which there was discussion to limit the instrument that would create the open space to conservation agreements. After review, Mr. Motzny said he thinks it would be best to provide developers with as many options available for the open space.

Mr. Chamberlain asked that the proposed zoning ordinance text amendment be advertised for Public Hearing at the April 13, 2004 Regular Meeting. He further suggested that City Management give its approval to the proposed language at the time of the Planning Commission Public Hearing.

Mr. Miller reported that a working draft of the proposed zoning ordinance text amendment was submitted to City Management three months ago for review and comment. Mr. Miller agreed that concerns identified by other people or bodies should be reviewed and hammered out at the Planning Commission level.

Mr. Miller will move forward with advertising the Public Hearing for ZOTA #200 for the April 13, 2004 Regular Meeting.

15. JOINT COMMITTEE SELECTION

Chair Waller reported that he and City Manager John Szerlag discussed various aspects of the Joint Committee. Chair Waller offered to put in writing some of the rules and goals of the Joint Committee as well as state its purpose, its plan of action, its reporting method, etc. Mr. Szerlag expressed that he would like to engage his interest based bargaining skills and offered to make a presentation to the Commission on the effectiveness of interest based bargaining. Chair Waller acknowledged that Mr. Strat has shown an interest in being a participant of the Joint Committee, and requested other members to contact him if they also have an interest in participating.

Chair Waller said that the selection process would factor in the meeting schedule and availability of members as relates to working schedules.

(Mr. Strat arrived at 9:25 p.m.)

16. PLANNING COMMISSION WORK PROGRAM

There was discussion on the Commission's determination as to whether or not it would like to review and/or revise the Future Land Use Plan.

Mr. Miller said if so directed by the Commission, he would provide support for the Commission's decision to revise the Future Land Use Plan.

The discussion related to hiring an outside consultant, doing the work in-house, tweaking the current plan, manpower, outline and time line of revising the plan, reasons and justification for revising the plan, defining problem areas, and necessary materials to have on hand during the review.

Chair Waller asked the Commission to review the work program and provide him with any suggested changes, deletions, additions and edits.

17. PLANNING COMMISSION BUDGET REVIEW

Chair Waller reported that he requested Mr. Miller to increase the Planning Commission budget line for education and training from \$5,000 to \$15,000, and asked for the support of the Commission in the form of a motion. The budget monies would cover the cost of attendance at local and national conferences or training courses.

Mr. Miller said the \$15,000 would cover the cost of sending all nine members to the Michigan Society of Planning annual conference (estimated at \$1,000 per member). However, Mr. Miller noted that historically only four or five members attend the Michigan Society of Planning conference each year.

Resolution # PC-2004-02-025

Moved by: Chamberlain

Seconded by: Schultz

RESOLVED, That the budget for the fiscal year 2004-05 show \$15,000 in line item 405-7960 for Education and Training and be approved as presented tonight.

Discussion on the motion.

Mr. Strat said it would be advantageous for the Planning Department to provide in its backup information to City Management how the \$15,000 figure was

approached, and further suggested that the budget monies would also cover the cost of in-house educational and training presentations.

Mr. Schultz asked if the motion should read that the \$10,000 increase to the Education and Training budget line item not be taken from another budget line item.

It was determined that the intent of the motion is clear.

Yes: Chamberlain, Schultz, Strat, Vleck, Waller
No: Drake-Batts
Absent: Littman, Storrs, Wright

MOTION CARRIED

Ms. Drake-Batts said that she does not see the need for the budget increase.

18. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

GOOD OF THE ORDER

Ms. Drake-Batts announced that she has changed employers and her contact information has been provided to the Planning Department for distribution.

Mr. Vleck asked if the Planning Commission reviews the site plans for sports fields in the City.

Mr. Miller said that the Commission would review site plans for projects in the Community Facilities (C-F) zoning district. He noted that the review of plans for fields specifically would be dependent upon the level of improvement involved for the project; i.e., field, buildings, parking lots.

Mr. Chamberlain addressed the titling and purpose of the Commission's Study and Special meetings and presented the following motion.

Resolution # PC-2004-02-026

Moved by: Chamberlain
Seconded by: Schultz

RESOLVED, That the text of the Planning Commission Bylaws be changed to call the 1st Tuesday meeting and the 4th Tuesday meeting of the month "Study" meetings and that the Commission be given the authority to vote at the "Study" meetings, and that the 2nd Tuesday meeting of the month continue to be called "Regular" meetings, and that all other meetings such as site visits be called "Special" meetings.

BE IT FURTHER RESOLVED, That the proper language be brought forth at the March 2, 2004 Special/Study Meeting for review and approval.

Discussion on the motion.

Mr. Schultz said he seconded the motion on the premise that the intent of the motion be reviewed by the Legal Department with respect to State legislation.

Mr. Motzny said that the definition of a “Special” meeting is a meeting that is not required to be published in advance and can be called at an 18-hour minimum notice. He said the Commission has the authority to write its rules and procedure and it can define its “Study” meetings as it determines. Mr. Motzny said he would provide a memo to clarify the State law definitions of “Special” meetings and “Study” meetings should there be any clarification.

Mr. Miller confirmed that the intent of the motion on the floor is to authorize the Commission to vote on items at its “Study” meetings.

Vote on the motion on the floor.

Yes:	All present (6)
No:	None
Absent:	Littman, Storrs, Wright

MOTION CARRIED

Mr. Chamberlain addressed and requested follow-up on three items: (1) documentation that the Civic Center is a park; (2) ordinance that says parkland, if it is to be sold, requires the vote of the City residents; and (3) explanation why there was no discussion on having a vote of the City residents with respect to the negotiations on the same property footprint for an IMAX theater and children’s theater, approximately 4 or 5 years ago. Mr. Chamberlain stated that he has read the City Attorney’s memorandum with respect to the proposed Civic Center site and noted it does not answer his questions.

Mr. Miller addressed the potential revision of the Future Land Use Plan and demonstrated some “friction” areas; for example, where Community Service Areas are adjacent to Low Density Residential areas. He said the current Future Land Use Plan is too “black and white” and does not offer any flexibility to allow transition uses in these areas. Mr. Miller suggested that a policy be developed to allow when and where transitional uses can be used. Mr. Miller reported that there are projects coming into the Planning Department that are good land uses but cannot be supported by the current zoning.

Discussion followed. Mr. Miller was commended for his insight and encouraged to draft language to provide for transitional zoning, as discussed. Mr. Miller explained that the revision procedure could take up to 6 or 7 months.

Mr. Miller announced the City’s intent to monitor the green initiative improvements on the Kresge Foundation site for future learning. A brief discussion followed.

As new members have been appointed to the Commission, Mr. Miller alerted the Commission of potential conflicts of interest with future development in the City.

Chair Waller recommended that the Commission review and approve a procedure to follow should future conflicts of interest arise and provide appropriate language in the Bylaws.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:55 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary

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